

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Robert Derek Worch Jr.

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

COMPLAINT

① P.O. Program (NYA) (21213) and

② P.O. Quinn (NYA) (1080)

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

RECEIVED
SDNY PRO SE DEPT
2023 JUL 31 PM 2:22

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

UNLAWFUL SEIZURE, VIOLATION OF 4th amendment
rights

B. If you checked Diversity of Citizenship**1. Citizenship of the parties**

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of _____
 (Plaintiff's name)

 (State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

 If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of _____
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of _____
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Robert</u>	<u>D</u>	<u>LUTCH SR.</u>
First Name	Middle Initial	Last Name
<u>151 LAWRENCE ST., 4TH FLS</u>		
Street Address		
<u>BROOKLYN</u>	<u>NY</u>	<u>11201</u>
County, City	State	Zip Code
_____ Telephone Number		_____ Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

First Name P. IGT.M Last Name _____
 Current Job Title (or other identifying information) POLICE OFFICER (BADGE # 21213)
 Current Work Address (or other address where defendant may be served) _____
 County, City NY State NY Zip Code _____

Defendant 2:

First Name _____ Last Name AVIN
 Current Job Title (or other identifying information) POLICE OFFICER (BADGE # 4080)
 Current Work Address (or other address where defendant may be served) _____
 County, City _____ State _____ Zip Code _____

Defendant 3:

First Name _____ Last Name _____
 Current Job Title (or other identifying information) _____
 Current Work Address (or other address where defendant may be served) _____
 County, City _____ State _____ Zip Code _____

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: 14th street and Union Square train station
on the street level across from Best Buy

Date(s) of occurrence: 7/26/2023

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

-see attached-

Facts of the incident

Between the hours of 1pm to 5pm on July 25, 2023 I had walked to a convenience stand at the street level of 14th street and Union square to purchase chips and a butterfinger.

Some time during the transaction of purchasing these items, the store owner requested NYPD officer Quinn presence.

This officer then start asking me what is the issue, I told her there is no issue, the store owner must think I wasn't going to pay and then I proceeded to pay for the items.

Subsequent, I then began eating my items and P.O. Quinn stated I have to leave the street corner. I told her no disrespect but this is a public sidewalk I'm not leaving.

she then called back up and 100 officers arrived (more like 20). They asked what is the issue and I informed them I can't be forced to leave a public sidewalk without reason.

OFFICERS backed away and OFFICER PILGRIM stated well I'm arresting since you want leave. I told him he can't take me into custody for that and he said your not under arrest your going to the hospital.

Prior to being arrested, I was talking calmly to the OFFICERS that were on scene and did not pose a threat to myself or others.

Shortly after my arrest, I was taken to Bellevue for a psych evaluation and released immediately after the exam. OFFICER PILGRIM also touched me inappropriately while I was in his custody.

4th amendment

constitutional violation: My right not to be arrested without probable cause was violated when I was seized and taken to Bellevue without posing a threat to myself or others.

which is not in accordance with the laws governing this type of seizure (MIL 9:11).

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

① Loss of liberty, ② Humiliation and embarrassment,
③ Mental anguish

IV. RELIEF

State briefly what money damages or other relief you want the court to order.


Im suing each off: GPR for \$5 million dollars
in compensatory damages and \$5 million dollars
in punitive damages

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>7/31/2023</u>		<u></u>
Dated		Plaintiff's Signature
<u>Robert</u>	<u>D.</u>	<u>Lutch Jr.</u>
First Name	Middle Initial	Last Name
<u>151 LAWRENCE ST., 4TH FLOOR</u>		
Street Address		
<u>BROOKLYN</u>	<u>NY</u>	<u>11201</u>
County, City	State	Zip Code
_____ Telephone Number		_____ Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.